

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTTSDALE INSURANCE COMPANY,

Plaintiff,

v.

SOUTHLAND ECO, LLC AND JAMES
MAYTON AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE OF
AUSTIN TAYLOR MAYHAK,

Defendants.

CASE NO. C20-0590-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff's notice of dismissal with prejudice (Dkt. No. 15). Plaintiff's notice of dismissal purports to dismiss with prejudice all claims against Defendants Southland Eco, LLC and James Mayton as the Personal Representative of the Estate of Austin Taylor Mayhak. (*Id.*) Under Federal Rule of Civil Procedure 41, a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment," Fed. R. Civ. P. 41(a)(1)(A)(i), or "a stipulation of dismissal signed by all parties who have appeared," Fed R. Civ. P. 41(a)(1)(A)(ii). Otherwise, "an action may be dismissed at the plaintiff's request only by

1 court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). Here, Plaintiff
2 may not voluntarily dismiss its claims against Defendant Southland Eco LLC under Rule
3 41(a)(1)(A)(i) because Defendant Southland Eco LLC has already served an answer. (*See* Dkt.
4 No. 12.) Plaintiff may properly dismiss its claims against Defendant Southland Eco LLC by
5 filing a stipulation of dismissal in accordance with Rule 41(a)(1)(A)(ii) or a motion for voluntary
6 dismissal under Rule 41(a)(2). Accordingly, the Court DIRECTS the Clerk to strike Plaintiff’s
7 notice of dismissal (Dkt. No. 15) and ORDERS Plaintiff to file proper dismissal paperwork
8 within twenty-one (21) days of the date of this order.

9 DATED this 5th day of March 2021.

10 William M. McCool
11 Clerk of Court

12 s/Paula McNabb
13 Deputy Clerk
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